

Remarks

In response to the Office Action dated July 14, 2006, Applicant(s) respectfully requests reconsideration based on the above claim amendment and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 1-5 and 7-19 are pending and stand rejected. Claims 1, 2, 7 and 11 have been amended. Applicants assert that the claims are now in condition for allowance as set forth more fully below.

Interview Summary

A telephone interview was conducted on September 19, 2006 with Examiner Nguyen. During the interview, deficiencies in both the Keenum and McKinnon references were discussed. In regards to Keenum, it was discussed that Keenum did not disclose a signal splitter (i.e. the Block) in series with a low pass filter as in the claims where the splitter splits the voice signal and directs the combined POTS/DSL to terminal 32/36 and the DSL signal to terminal 38. In this regard, independent claims 1 and 7 were to be amended to clarify the existence of a signal splitter in addition to the low pass filter.

In regards to McKinnon, it was discussed that the reference explicitly did not teach that the option cartridge bay was not within the housing or the telephone as recited in the claims.

The examiner indicated that both arguments may have merit but since she was newly assuming the case she would review the references again and requested that all amendments and arguments be submitted formally.

112 Rejections

Claim 2 was rejected under §112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 2, line 4 has been amended to change the word “should” to “shoulder”. As such claim 2 is now definite and the rejection can be withdrawn.

103 Rejections

Claims 1-3, 7-11 and 14-19 stand rejected under 35 USC §103 as being unpatentable over Keenum (US Pat. 6,904,149) in view of McKinnon US Pat 5,414,768). Applicant respectfully traverse these rejections.

The Office Action has rejected claim 1 by stating that Keenum teaches all of the elements but concedes Keenum fails to describe that the first and second connectors are on the same second side of the filter cartridge and further concedes the Keenum filter cartridge is not inserted into the phone.

The Office Action proceeds by asserting via official notice that it is old in the art for a phone to comprise a location within the telephone housing adapted to engage auxiliary devices and further asserts that McKinnon cures this particular deficiency in Keenum. In this respect, independent claims 1, 7 and 11 recite similar elements. As a representative sample, amended independent claim 1 recites in pertinent part:

“a telephone comprising...
a location within the housing adapted to engage a filter cartridge ...
wherein the filter cartridge comprises a block to receive a signal through the at least one second connector of the second end that contains both DSL and POTS signals and *to split the signal, and a filter to filter the signal so as to pass substantially only the POTS signal to the at least one electrical connector of the first end, and to simultaneously pass the DSL signal to the at least one first connector of the second end for receiving the DSL line.*

In its rejection, the Office Action implicitly equates McKinnon’s option module bays **206** and **208** to the recited “location within the housing adapted to engage a filter”. However, McKinnon expressly states that the option module bays **206** and **208** are on the bottom of the surface **204** of base **202**. (Col. 3, l. 65-67). If the bays disclosed by McKinnon are on the outer surface of the [housing] **202** then they are not locations within the housing. Therefore, McKinnon fails to disclose the subject matter for which McKinnon was asserted. As such, the combination of Keenum and McKinnon fail to disclose all of the claim elements and independent claims 1, 7 and 11 are allowable for at least this reason.

Because McKinnon fails to disclose the subject matter for which McKinnon was asserted, Applicant respectfully traverses the Office Action’s official notice that it is old

in the art for a phone to comprise a location within the telephone housing adapted to engage auxiliary devices. Applicant notes that official notice of facts unsupported by documentary notice “must be capable of such instant and unquestionable demonstration as to defy dispute” or is otherwise improper. MPEP 2144.03. Applicant respectfully submits that the official notice is currently undocumented and therefore improper since McKinnon does not teach or suggest what the Office Action is asserting is old in the art. Therefore, Applicant respectfully requests that an authority for the official notice be produced or the claims allowed. MPEP 2144.03C.

Further, Applicant note that Keenum fails to describe a block to receive a signal through the at least one second connector of the second end that contains both DSL and POTS signals and to split the signal. Keenum only describes a low pass filter **24/124** that filters the DSL signal from the voice signal.

In this regard, the Office Action failed to address the claim limitation in independent claim 11 reciting “the line connector in communication with a block that splits the signal, the block in communication with a filter that removes the DSL”.

Amended claims 1, 7 and independent claim 11 now recite similar subject matter. As a representative sample, amended independent claim 1 recites in pertinent part:

“A telephone comprising... a filter cartridge... wherein the filter cartridge comprises the line connector in communication with a block that splits the signal, the block in communication with a filter that removes the DSL signal so as to output substantially only a POTS signal through the at least one electrical connector of the first end, and the DSL connector in communication with the block to simultaneously receive the DSL signal...”.

In its disclosure, Keenum does describe a wire termination device **26/126** connected to filter **24/124**. Keenum further describes the wire termination device as a terminal post (Fig. 2, item 26) or a soldered connection on a circuit board (Fig. 12, item 126). However, Applicant points out that a simple wire termination device is not a block that splits a signal. Although claims must be given their broadest reasonable interpretation (MPEP 2111), to argue that a terminal post splits a signal, is to argue that merely touching a wire to another wire is splitting a signal. If such was the case, the

“block that splits the signal” recited in the claims would be rendered redundant and/or functionless. As such, such an interpretation would be unreasonable.

Applicant assert that since neither Keenum, McKinnon nor their combination disclose a block that splits the signal, the combination fails to describe all of the elements of the claims. Therefore, amended independent claims 1, 7 and independent claim 11 are allowable over the combination of Keenum and McKinnon for at least this additional reason.

Further still, there is no motivation for one skilled in the art to combine McKinnon and Keenum. Motivation requires some reasonable expectation of success. MPEP 2143.02. Here, one of ordinary skill in the art would not be motivated to combine Keenum and McKinnon since McKinnon describes attaching option modules onto the bottom surface of a housing and not into a location within the housing as recited in the claims. Combining the references would have no reasonable chance of creating a filter cartridge adapted to be inserted into the location [within the housing]. As such, there would be no motivation to combine references, and amended independent claims 1, 7 and independent claim 11 are therefore allowable over the combination of McKinnon and Keenum.

Dependent claims 2-5, 8-10 and 12-19 depend from one of allowable independent claims 1, 7 and 11. Therefore dependent claims 2-5, 8-10 and 12-19 are allowable over the combination of McKinnon and Keenum for at least the same reasons.

Conclusion

Applicant respectfully asserts that the application including claims 1-5 and 7-19 is in condition for allowance and further request that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

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